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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,437	09/05/2006	Roger Milner King	CAR-001PAT	4872
<div>Mark F. Smith Smith Brandenburg & Novak Ltd. 905 Ohio Pike Cincinnati, OH 45245</div>				
<div>7590 07/01/2009</div>				
EXAMINER				
VOLZ, ELIZABETH J				
ART UNIT		PAPER NUMBER		
3781				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,437

Applicant(s)

KING, ROGER MILNER

Examiner

ELIZABETH VOLZ

Art Unit

3781

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 1/11/07

DETAILED ACTION

Claim Objections

1. Claims 4-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-12 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding Claim 9, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte*

Steigewald, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 9 recites the broad recitation "2 to 32 of said first thread segments", and the claim also recites "4 to 16 of said first thread segments" which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (GB 2,382,071) in view of Hedgewick (U.S. Patent No. 4,090,629).

7. Regarding Claim 1, King discloses a threaded container closure assembly (Figure 1) comprising: a container neck 10 (Figure 2) having an opening (Figure 2); a closure 12 (Figure 1) for said neck, the closure having a base portion 14 (Figure 3) and a skirt portion 16 (Figure 3); a first screw thread 18 (Figure 2) on the neck, said first screw thread comprising one or more first thread segments (Figure 2), and a second screw thread 20 (Figure 3) on an inner surface of the skirt of the closure, said second screw thread comprising one or more second thread segments (Figure 3), said first and second screw threads being configured to enable a user to secure, remove and resecure the closure into a sealing position on the neck by rotation of the closure on the neck (Page 3, Lines 6-8). King does not disclose a first locking projection on the

container neck separate from the first thread segments and a second locking projection on the inner surface of the skirt of the closure separate from the second thread segments, said first and second locking projections being configured to resist unscrewing of the closure from the fully engaged position on the container neck after the closure has been secured or resecured on the container neck until a predetermined minimum opening torque is applied; wherein said first and second locking projections longitudinally overlap the first of the second thread segments when the closure is in the fully engaged position on the container neck. However, Hedgewick teaches a first locking projection 54 (Figure 3) on the container neck separate from the first thread segments and a second locking projection 28 (Figure 3) on the inner surface of the skirt of the closure separate from the second thread segments. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify King to include first and second locking projections, as taught by Hedgewick, in order to prevent rotation of the cap and keep the cap from unscrewing (Column 5, Lines 8-9 and 12-15).

8. Regarding Claim 2, King teaches all the limitations substantially as claimed except for the first locking projections which do not extend substantially below the lower edge of the first thread segments when the closure is in a fully engaged position on the container neck. However, Hedgewick teaches first locking projections 54 (Figure 3) which does not extend substantially below the lower edge of the first thread segments when the closure is in a fully engaged position on the container neck (Figure 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify King to include first and second locking projections, as taught by Hedgewick, in order to prevent rotation of the cap and keep the cap from unscrewing (Column 5, Lines 8-9 and 12-15).

9. Claim 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (GB 2,382,071) in view of Hedgewick (U.S. Patent No. 4,090,629).

10. Regarding Claim 3, King and Hedgewick teach all the limitations substantially as claimed except for first locking projections having a length from about 1 mm to about 4 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have first locking projections having a length from about 1 mm to about 4 mm since it has been held that where the general conditions of a claim are disclosed in the prior art, **discovering the optimum or workable ranges** involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

11. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments

made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02.

The "disclosure" includes the claims, the specification and the drawings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./
Examiner, Art Unit 3781

/Anthony D Stashick/
Supervisory Patent Examiner, Art
Unit 3781

Application/Control Number: 10/582,437
Art Unit: 3781

Page 7